

Bill No. 23-09  
Concerning: Unused Vehicles - Storage  
Revised: April 29, 2009 Draft No. 1  
Introduced: May 5, 2009  
Expires: November 5, 2010  
Enacted: [date]  
Executive: [date signed]  
Sunset: None  
Effective: [date takes effect]  
Ch. [#] , Laws of Mont. Co. [year]

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN EXPEDITED ACT** to:

- (1) amend the definition of rubbish in Chapter 26;
- (2) limit the storage of unused vehicles on residential property; and
- (3) generally amend County law governing the storage of unused vehicles.

By amending

Montgomery County Code  
Chapter 26, Housing and Building Maintenance Standards  
Sections 26-2 and 26-9  
Chapter 48, Solid Waste  
Section 48-24A

By adding

Montgomery County Code  
Chapter 26, Housing and Building Maintenance Standards  
Section 26-17A

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Sections 26-2, 26-9 and 48-24A are amended, and Section 26-17A is added, as follows:**

**26-2. Definitions.**

In this Chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

\* \* \*

*Rubbish:* All refuse, combustible or noncombustible, except garbage. *Rubbish* includes any debris from building construction or reconstruction, dead tree, uprooted tree stump, rubble, street refuse, [unused vehicle,] disabled machinery, bottle, can, waste paper, cardboard, sawdust pile, slash from sawmill operations, or other waste material.

\* \* \*

*Unused vehicle:* A [device] motor vehicle or trailer in, on, or by which any person or property may be transported on a public street, [which] that is:

- (a) inoperable or, if operable, not currently registered by a government agency which registers vehicles of that type in Maryland, and
- (b) not completely enclosed in a garage or other building.

\* \* \*

**26-9. Maintenance of dwelling units.**

Unless otherwise stated, the owner of each dwelling or dwelling unit must assure compliance with the following standards at all times. All installation, repair, and replacement must be performed in a workmanlike manner and with materials having properties and qualities substantially equal to or better than the original materials.

- (a) *Basic requirements.*

\* \* \*

(13) A person must not store any unused vehicle on residential property for more than 30 days unless a person living in the household has received an extension under Section 26-17A.

**26-17A. Unused vehicle storage extensions.**

The Director may grant an owner or occupant of a residential property an extension to store an unused vehicle on residential property for more than 30 days for good cause shown. Good cause includes:

- (a) the owner of the vehicle is recovering from an illness or accident;
- (b) the owner of the vehicle is on a foreign assignment for the United States Government;
- (c) the owner demonstrates extreme financial hardship; or
- (d) suspension of the driver's license of the owner of the vehicle.

**48-24A. Storage of [motor] vehicles.**

(a) In this section, "unused [motor] vehicle:"

(1) Means a vehicle that is:

- a. [Not] Inoperable or not currently registered by a government agency; and
- b. Not subject to section 48-24 of this Code;

(2) Includes trailers; and

(3) Does not include farm tractors or any farm equipment such as automobiles and trucks that are:

- a. Kept on properties consisting of [two (2)] 2 or more acres on which crops are being grown and harvested; and
- b. Used for the purpose of growing and harvesting crops.

- (b) A person must not store an unused [motor] vehicle on residential property in violation of Section 26-9(a)(13). [for more than ninety (90) days unless the unused motor vehicle:
- (1) Is completely shielded from the view of individuals on adjoining property; for example, as by a six-foot solid wood fence or dense evergreen hedge; and
  - (2) Is stored within the building setback lines of the property; or
  - (3) Has a permit issued under this section.
- (c) (1) A person living in the household may apply to the department for a permit to store an unused motor vehicle on residential property for more than ninety (90) days in cases of serious hardship.
- (2) Serious hardship includes:
- a. The owner of the vehicle recovering from an illness or accident;
  - b. The owner of the vehicle on a foreign assignment for the United States Government; or
  - c. Suspension of the driver's license of the owner of the vehicle.
- (d) The department must issue a permit to store an unused motor vehicle on residential property if the application for the permit is complete and includes satisfactory documentation of eligibility for the permit.
- (e) A permit issued under this section:
- (1) May be issued for up to one (1) year; and
  - (2) May be renewed.

(f) The county executive must adopt regulations under method (2) of section 2A-15 of this Code to carry out this section.]

**Sec. 2. Effective Date.**

This Act takes effect 180 days after it becomes law.

*Approved:*

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Philip M. Andrews, President, County Council	Date
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*Approved:*

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Isiah Leggett, County Executive	Date
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*This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council	Date
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Date